

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

PAMELA D. MCNEIL and JAMES K. CANTWIL,)	
class representatives on behalf of themselves and)	
others similarly situated,)	
)	
Plaintiffs,)	Case No. 1:09-cv-04443
)	
v.)	Hon. Samuel Der-Yeghiayan
)	
IKO MANUFACTURING, INC., a)	
Delaware Corporation, IKO INDUSTRIES, LTD., a)	
Canadian corporation, IKO SALES, LTD., a)	
Canadian corporation, IKO PACIFIC, INC., a)	
Washington corporation, and IKO CHICAGO, INC.,)	
an Illinois corporation,)	
)	
Defendants.)	

MOTION TO SUBSTITUTE COUNSEL

Pursuant to Rule 83.17 of the Local Rules for the Northern District of Illinois, Defendants IKO Manufacturing Inc., IKO Pacific Inc., and IKO Chicago Inc. (“IKO”) respectfully request leave to withdraw the appearance of Nathan P. Eimer, Andrew G. Klevorn, and John K. Theis of the law firm Eimer Stahl Klevorn & Solberg LLP (“ESKS”) and to substitute Christopher M. Murphy of the law firm McDermott Will & Emery LLP (“McDermott”) as counsel for IKO. In support of this motion, IKO states as follows:

1. Plaintiffs filed their Complaint on July 24, 2009. (Dkt. No. 3). IKO was served with the Complaint on August 4, 2009. (Dkt. Nos. 9-11). Attorneys from ESKS appeared on behalf of IKO on August 10, 2009. (Dkt. Nos. 12-14). On August 13, 2009, this Court stayed IKO’s responsive pleading to Plaintiffs’ Complaint until further order of the Court. (Dkt. No. 22).

2. On August 19, 2009, IKO informed ESKS that it wished to substitute ESKS as counsel of record in this matter with McDermott. Accordingly, ESKS has filed this motion.

3. Upon leave of this Court, McDermott will file an appearance on behalf of IKO.

4. IKO intends to substitute McDermott for ESKS in the parallel actions filed in other federal courts,¹ as well as in the action before the Judicial Panel on Multidistrict Litigation.²

5. Granting this motion will not prejudice IKO because its interests will be adequately represented by McDermott.

6. ESKS has contacted the attorneys for Plaintiffs and is advised that the Plaintiffs consent to the relief requested herein.

WHEREFORE, Defendants IKO Manufacturing Inc., IKO Pacific Inc., and IKO Chicago Inc. respectfully request that this Court grant leave to withdraw the appearances of attorneys Nathan P. Eimer, Andrew G. Klevorn, and John K. Theis of Eimer Stahl Klevorn & Solberg LLP and substitute Christopher M. Murphy of McDermott Will & Emery LLP as counsel of record in this matter.

¹ See *Zanetti v. IKO Manufacturing, Inc.*, No. 2:09-cv-2017 (D.N.J. filed April 29, 2009); *Michael Hight and Michael Augustine v. IKO Manufacturing, Inc.* et al, No. 2:09-cv-00887 (W.D. Wa. filed June 29, 2009); *Gerald P. Czuba v. IKO Manufacturing, Inc.*, No. 09-cv-0409 (W.D.N.Y. filed April 29, 2009).

² See *In Re: IKO Roofing Shingle Products Liability Litigation* (MDL-2104).

Dated: September 3, 2009

Respectfully submitted,

EIMER STAHL KLEVORN
& SOLBERG LLP

By: /s/ Andrew G. Klevorn
Nathan P. Eimer
Andrew G. Klevorn
John K. Theis
224 South Michigan, Suite 1100
Chicago, Illinois 60604
(312) 660-7600; (312) 692-1718 fax
neimer@eimerstahl.com
klevorn@eimerstahl.com
jtheis@eimerstahl.com

*Attorneys for Defendants,
IKO MANUFACTURING INC.,
IKO PACIFIC INC.,
IKO CHICAGO INC.*

CERTIFICATE OF SERVICE

I, Andrew G. Klevorn, hereby certify and affirm that on the 3rd day of September, 2009, I electronically filed the foregoing **MOTION TO SUBSTITUTE COUNSEL and NOTICE OF MOTION** with the Clerk of the United States District Court for the Northern District of Illinois using its CM/ECF system, which would then electronically notify the following CM/ECF participants of this filing:

Michael Alan Johnson
Michael A. Johnson & Associates
415 North LaSalle Street
Suite 502
Chicago , IL 60610
(312) 222-0660
mjohnsonlawyer@aol.com

Brendan S Thompson
Charles J. LaDuca
Cuneo Gilbert & LaDuca, LLP
507 C Street, NE
Washington , DC 20002
(202) 789-3960
brendant@cuneolaw.com

Shawn J. Wanta
Halunen & Associates
1650 IDS Center
80 South Eighth Street
Minneapolis , MN 55402
(612) 605-4098
wanta@halunenlaw.com

/s/ Andrew G. Klevorn